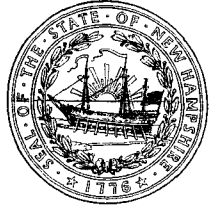




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

June 20, 2005

CERTIFIED MAIL
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RETURN RECEIPT REQUESTED

NOTICE OF PAST VIOLATION

Spraying Systems Company
22 Flagstone Drive
Hudson, New Hampshire 03051

Attn: Michel Thénin, General Manager

Re: Spraying Systems Company
Hudson, New Hampshire
EPA ID # NH 5986485068

Dear Mr. Thénin :

On May 19, 2005, the Department of Environmental Services, Waste Management Division ("DES") conducted an inspection of Spraying Systems Company ("Spraying Systems") in Hudson, NH. The purpose of the inspection was to determine Spraying Systems' compliance status relative to RSA Ch. 147-A and the New Hampshire Hazardous Waste Rules, Env-Wm 100-1100.

As a result of the inspection and review of the information provided to DES, the following deficiencies were documented:

1. Env-Wm 507.01(a)(3) – Open Containers

At the time of the inspection, two (2) satellite containers of hazardous waste were not closed (See the attached Inventory).

Env-Wm 507.01(a)(3) requires generators to ensure that containers storing hazardous waste be closed at all times, except when waste is being added or removed from the containers.

DES requested that Spraying Systems ensure that containers storing hazardous waste remain closed at all times, except when adding waste to or removing waste from the containers.

In the May 27, 2005 submittal, documentation was provided that the containers of hazardous waste are now closed using snap rings. No further action is required.

2. Env-Wm 509.02(a)(1) - Inspection Requirements

At the time of the inspection, Spraying Systems had not documented weekly inspections of the Shipping Area hazardous waste storage area for 42 of the last 60 weeks, but had started conducting and documenting inspections on January 19, 2005.

Env-Wm 509.02(a)(1), which references 40 CFR 265.15, General Inspection Requirements, requires full quantity generators to conduct and document inspections of the facility, including the hazardous waste storage area(s).

DES requested that Spraying Systems ensure that weekly inspections of its hazardous waste storage areas are performed and documented.

Spraying Systems started conducting and documenting weekly inspections of the Shipping Area hazardous waste storage area on January 19, 2005 after attending a Basic Hazardous Waste Coordinator Certification class on December 9, 2004. No further action is required.

3. Env-Wm 509.02(a)(5) – Contingency Plan

A review of Spraying Systems' contingency plan received as part of the exit debriefing submittal revealed the following deficiencies:

- (a) The listing of all persons qualified to act as emergency coordinators (including names, home and office phone numbers, and home and office addresses); and
- (b) Documentation that copies of the plan had been submitted to local authorities (police, fire, hospitals, emergency response contractors, and state and local emergency response teams) as required per 40 CFR 265.53(b).

Env-Wm 509.02(a)(5), which references 40 CFR 265, Subpart D, requires full quantity generators to maintain a complete contingency plan at the site.

DES requested that Spraying Systems update its contingency plan to correct the deficiencies as identified in the enclosed Contingency Plan Module.

In the June 14, 2005 e-mail submittal, documentation was provided that the deficiencies were corrected and copies of the Contingency Plan have been submitted to local authorities. No further action is required.

4. Env-Wm 509.02(b) – Emergency Posting

At the time of the inspection, Spraying Systems did not have an emergency posting at the nearest telephone to the Shipping Area hazardous waste storage area.

Env-Wm 509.02(b) requires that full quantity generators shall post a list of the steps to take if an emergency occurs and the following emergency numbers at the nearest telephone to the hazardous waste storage area:

- (a) The emergency coordinators (home and office);
- (b) The fire department, police department, and State of New Hampshire and local emergency response teams that may be called upon to provide emergency services, unless the facility has a 24-hour response team designated to provide emergency services whose number is posted; and
- (c) The location of fire extinguishers and spill control material, and if present, fire and internal emergency alarms.

DES requested that Spraying Systems post the required information at the nearest telephone to the hazardous waste storage area.

In the May 27, 2005 submittal, documentation was provided that emergency posting has been placed at the nearest phone to the Shipping Area hazardous waste storage area. No further action is required.

5. Env-Wm 509.03(g) – Satellite Storage Container Marking

At the time of the inspection, one (1) satellite container of hazardous waste in the CNC Lathe Area was not marked with the words “hazardous waste” and words that identify the contents of the container.

Env-Wm 509.03(g) requires all satellite storage containers used for the storage of hazardous waste be marked with the following information at the time they are first used to store wastes: the words “hazardous waste” and words that identify the contents of the container.

DES requested that Spraying Systems properly mark all hazardous waste satellite storage containers at the time they are first used to store waste with: the words “hazardous waste” and words that identify the contents of the container.

In the May 27, 2005 submittal, documentation was provided that the satellite container has been marked. No further action is required.

6. Env-Wm 510.02(d) - Manifest Distribution

At the time of the inspection, Spraying Systems had on file one (1) hazardous waste manifest (MAM201467) dated November 26, 2003 which had not been submitted to DES.

Env-Wm 510.02 (d) requires that the generator retain one (1) copy of the manifest, give five (5) copies to the transporter, and forward one (1) copy to the destination state and one (1) copy to DES within five (5) days of shipment.

DES requested that Spraying Systems properly retain and distribute manifest copies for future shipments of hazardous waste.

At the time of the inspection, Spraying Systems submitted Manifest No. MAM201467 to DES. No further action required. Please note that although this violation does not appear in the Listing of Individual Violations due to a database issue, the violation is documented on page 5 of the Inspection Report under Manifest Review.

7. Env-Wm 512.01(a)(1) – Recordkeeping – Manifest Copies

At the time of the inspection, Spraying Systems did not have on file the original generator copy and the copy by the designated facility for Manifest No. MAQ626203, dated October 13, 2004.

Env-Wm 512.01(a)(1) requires that the generator keep all manifest copies, including the original generator copy and the copy certified by the designated facility, for three (3) years from the date of signature by the generator.

DES requested that Spraying Systems obtain a copy Manifest No. MAQ626203, and properly retain this copy and copies of future shipments of hazardous waste.

In the May 27, 2005 submittal, a Facility copy of Manifest No. MAQ626203 was provided. No further action is required.

8. Env-Wm 1102.03 and Env-Wm 1112.04 - Universal Waste Management

At the time of the inspection, the thirty-five (35) universal waste lamps and seven (7) boxes of universal waste lamps stored in the Compressor Room were not marked with the words “Universal Waste – Lamps,” “Waste Lamp(s),” or “Used Lamp(s).”

Env-Wm 1102.03, which references Env-Wm 1112.04, requires universal waste handlers to ensure all container(s) holding universal waste lamps to be clearly labeled or marked with any of the following: “Universal Waste – Lamps,” “Waste Lamp(s),” or “Used Lamp(s).”

DES requested that Spraying Systems clearly label or mark universal waste lamps and container(s) holding universal waste lamps with any of the following: “Universal Waste – Lamps,” “Waste Lamp(s),” or “Used Lamp(s).”

In the May 27, 2005 submittal, documentation was provided to show that the universal waste lamps were marked. No further action is required.

9. Env-Wm 1102.03(c)(1) – Universal Waste Management

At the time of the inspection, the seven (7) boxes of universal waste lamps were not closed.

Env-Wm 1102.03(c)(1) requires universal waste containers to be closed, except when universal waste is being added to or removed from the container.

DES requested that Spraying Systems ensure that containers of universal waste lamps are closed, except when universal waste is being added to or removed from the container.

In the May 27, 2005 submittal, documentation was provided to show that the containers of universal waste lamps were closed. No further action is required.

10. Env-Wm 1102.03(c) and Env-Wm 1112.03(c) - Universal Waste Lamp Management

At the time of the inspection, thirty-five (35) universal waste lamps were not stored in containers in the Compressor Room.

Env-Wm 1112.03(a) requires universal waste handlers to store intact and broken universal waste lamps in container(s) that meet the requirements of Env-Wm 1102.03(c). Env-Wm 1102.03(c) furthermore stipulates the containers must be closed, compatible with the universal waste and its contents, and free of defects, design characteristics or damage.

DES requested that Spraying Systems ensure all universal waste lamps generated at the facility are placed and stored in containers that meet the requirements of Env-Wm 1102.03(c).

In the May 27, 2005 submittal, documentation was provided to show that the universal waste lamps were put into containers. No further action is required.

DES believes the deficiencies identified during the inspection have been corrected and acknowledges receipt of the submittals describing the corrective measures taken by Spraying Systems to achieve compliance. Accordingly, no further action in response to the listed deficiencies is required. However, DES personnel may reinspect your facility at a later date to determine whether the facility is maintaining full compliance with the applicable rules. Fines may also be pursued for any or all violations observed during this or subsequent inspections of the facility.

Enclosed you will find a copy of the completed Hazardous Waste Generator RCRA Inspection Checklist which documents the compliance status of your facility at the time of the inspection. This checklist may also be of value to you for use in determining future compliance with the New Hampshire Hazardous Waste Rules.

The State of New Hampshire Hazardous Waste Rules, as well as much other useful information, can be obtained from DES's website at <http://www.des.state.nh.us/hwcs/>, or by contacting the Public Information Center at (603) 271-2975.

It is the goal of DES to promote the prevention of pollution at the source as the preferred option for meeting established environmental quality goals. We strive to ensure that pollution prevention options are considered first, followed by recycling, treatment and disposal. I am requesting that the DES's Pollution Prevention Coordinator, Stephanie D'Agostino, contact you to discuss possibilities for waste minimization or source reduction at your facility. In the meantime, if you have immediate questions about pollution prevention, please feel free to contact her at 271-6398.

As a service to New Hampshire's hazardous waste generators, we maintain a Hazardous Waste Assistance Hotline which is available for you to contact our knowledgeable staff of hazardous waste inspectors. Our hazardous waste staff is available to answer your questions concerning the New Hampshire Hazardous Waste Rules and the compliance issues which affect your hazardous waste management program. The technical assistance available through the Hotline includes fact sheets that pertain to the management and recycling of specific wastes, summary sheets of specific sections of the Hazardous Waste Rules, copies of EPA and New Hampshire hazardous waste policy or regulatory interpretation letters that may benefit your operation, and networks with other state or federal agencies to answer your questions on a national level. The Hotline is available Monday through Friday, 8:00 AM to 4:00 PM toll free at (1-866) HAZ-WAST (in-state only) or (603) 271-2942.

If you believe that the deficiencies documented in this NOPV have been cited in error, or if you have any questions regarding this letter, please contact the lead inspector, Tod Leedberg, RCRA Compliance Supervisor, or me at 271-2942. Thank you for your cooperation.

~~Sincerely~~


John J. Duclos, Administrator
Hazardous Waste Compliance Bureau
Waste Management Division

cc: DB/RCRA/LOD/Archives
Anthony P. Giunta, P.G., Director, WMD
Paul L. Heirtzler, P.E., Esq., Administrator, Waste Management Programs, WMD
Gretchen Hamel, Administrator, DES Legal Unit
Jodi Tracy, Spraying Systems Manufacturing Manager
Mark Lacroix, Spraying Systems Hazardous Waste Coordinator

E-mail: JJD/SD

Enclosure: Hazardous Waste Generator Inspection Report